

UNITED STATES BANKRUPTCY APPELLATE PANEL FOR THE FIRST DISTRICT

In re:

Chapter 7 Case No.19-11794
Adversary Proceeding No. 19-01090

Nancy E. McGinn, Debtor

Walter J. Eno, Plaintiff

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MAR 23 2020

BY: U.S. COURT OF APPEALS

Appeal of Order Regarding Motion to Compel Rule 26(a) Disclosure

1. Pursuant to 28 U.S.C. § 158 (b)-(1), (5) and F.R.B.P. 8002 (a) the Plaintiff herewith appeals the March 10, 2020, order of Bankruptcy Court Judge Melvin S. Hoffman that Plaintiff deliver to counsel for the Defendant a document entitled Plaintiff's Rule 26(a) Disclosures, as specified therein.
2. The Plaintiff prays reconsideration of the above order by reason that the order is in opposition to Massachusetts case law precedents, and places an unreasonable and unattainable burden on the Plaintiff.

Respectfully submitted,



Dated March 17, 2020

Walter J. Eno, pro se
1588 Gullberry Pl.
The Villages, Fl. 32163
207 632 5055 email wje1924@icloud.com

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U.S. BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS
BOSTON

Certificate of Service: a copy of the above correspondence was served on Bankruptcy Judge Melvin S. Hoffman, U.S. Bankruptcy Court, J.W. McCormack Post Office and Court House, 5 Post Office Square, Suite 1150, Boston, Ma. 02109-3945, by first class mail on March 17, 2020. *WJE*

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WALTER J. ENO
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THE VILLAGES, FL 32163-2610



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U.S. BANKRUPTCY PANEL FOR THE FIRST CIRCUIT
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BOSTON, MA 02210

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U.S. BANKRUPTCY COURT

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**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS**

In re:)	Chapter Ch.7
)	Case No.
NANCY ELLEN MCGINN)	19-11794-MSH-MSH
)	
Debtor)	
)	
WALTER J ENO AND WALTER J. ENO)	
)	
Plaintiff(s))	Adversary Proceeding
)	No. 19-01090-MSH
v.)	
)	
NANCY ELLEN MCGINN)	
)	
Defendant)	
)	

Order Regarding Motion to Compel Rule 26(a) Disclosures

The motion is GRANTED. No later than March 31, 2020, plaintiff shall deliver to counsel for defendant a document entitled Plaintiff's Rule 26(a) Disclosures which shall include or be accompanied by the following:

1. The name and, if known, the address and telephone number of each individual likely to have discoverable information - along with the subjects of that information - that the disclosing party may use to support its claims or defenses, unless the use would be solely for impeachment;
2. A copy - or description by category and location - of all documents, electronically stored information, and tangible things that the disclosing party has in its possession, custody, or

control and may use to support its claims or defenses, unless the use would be solely for impeachment.

Upon receipt of plaintiff's Rule 26(a) Disclosures, defendant's counsel shall promptly arrange a conference with plaintiff **either in person or by telephone** to agree upon a discovery plan and deadlines for filing dispositive motions and a joint pretrial memorandum. Within fourteen (14) days of completion of such conference counsel for defendant shall file a certification thereof along with a motion to establish the agreed upon deadlines.

Should plaintiff fail to comply with this order in any respect, defendant may file an affidavit of non-compliance along with a motion to dismiss this proceeding.

Dated: March 10, 2020

By the Court,



03/10/2020

Melvin S. Hoffman
U.S. Bankruptcy Judge